

REMARKS

Applicants hereby provisionally elect with traverse to prosecute the claims of Group E (claims 6-9) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Applicants traverse the restriction requirement, in-part. This is explained in the following paragraphs.

The Restriction Requirement Should Be Re-Formulated so that Claims Drawn to the HASH2 Amino Acid Sequence are Examined Together

Applicants have disclosed three sequences comprising the human Achaete Scute homologue 2 (HASH2) polypeptide sequence, namely SEQ ID NOS:2, 10, and 35. This relationship is set forth in the specification:

SEQ ID NO:2 is also named HASH2 (accession number NP_005161 and AAB86993).

See US20040141988, final sentence of paragraph [0088].

SEQ ID NO:10 is an exemplary fusion polypeptide comprising the polypeptide of SEQ ID NO:2 in fusion with NS1 as expression fusion partner (EFP) and with a histidine tail as an affinity fusion partner (AFP).

See US20040141988, paragraph [0285].

SEQ ID NO:35 is an exemplary fusion polypeptide comprising the polypeptide of SEQ ID NO:2 in fusion with a 11 amino acids T7•Tag[®] as EFP and with a histidine tail as an AFP.

See US20040141988, paragraph [0391]. Applicants have submitted (i) a BLAST alignment of SEQ ID NO:2 with SEQ ID NO:10 and (ii) a BLAST alignment of SEQ ID NO:2 with SEQ ID NO:35 as illustrative Exhibit A and Exhibit B, respectively. (See the final two pages of this response.) These alignments demonstrate the relationship between SEQ ID NOS:2, 10, and 35. Because SEQ ID NO:10 and SEQ ID NO:35 comprise SEQ ID NO:2, they are more closely related to SEQ ID NO:2 than they are to SEQ ID NO:12 (the mouse homolog of HASH2) or SEQ ID NO:14 (the rat homolog of HASH2).

Despite the relationship between SEQ ID NO:2, SEQ ID NO:10, and SEQ ID NO:35, the Restriction has grouped SEQ ID NO:10 with Groups C & D. Under this formulation of the Restriction requirement, SEQ ID NO:10 would be examined with the mouse homolog of HASH2 (SEQ ID NO:12), the rat homolog of HASH2 (SEQ ID NO:14), and the other polypeptides of SEQ ID NO:3, SEQ ID NO:7, and SEQ ID NO:11. Applicants submit that SEQ ID NO:10 should be included with Groups A & B for the reasons stated below.

First, a search of SEQ ID NO:2 will reveal information relevant to the polypeptides of SEQ ID NO:10 and SEQ ID NO:35. Moreover, due to their relationship, the issues surrounding SEQ ID NO:2, SEQ ID NO:10, and SEQ ID NO:35 are essentially the same. However, under the present grouping, SEQ ID NO:10 will be examined in a divisional drawn to SEQ ID NOS:12, 14, 3, 7, and 11. This grouping will cause the Examiner to carry out a redundant search for sequences comprising SEQ ID NO:2 in order to search SEQ ID NO:10 or SEQ ID NO:35. Applicants submit that the examination burden would be reduced by formulating methods involving SEQ ID NO:10 with methods involving SEQ ID NO:2. (Applicants note that the present claims of Groups A and B do not recite SEQ ID NO:35, but if the present Restriction is reformulated, a divisional application can be filed with claims drawn to methods involving SEQ ID NO:10 and SEQ ID NO:35.)

Second, claims drawn to the molecule of SEQ ID NO:10 are linked to those drawn to the molecule of SEQ ID NO:2 because of the relationship between the sequences. Thus, method claims drawn to SEQ ID NO:10 should be considered with method claims drawn to SEQ ID NO:2 under linking claims practice. See MPEP § 809.

For these reasons, the Restriction should be reformulated so that the methods involving SEQ ID NO:2 and methods involving SEQ ID NO:10 (as well as SEQ ID NO:35) can be considered together. Applicants respectfully request that the Restriction be withdrawn, in-part, and that SEQ ID NO:10 be included in Groups A and B.

CONCLUSION

For the reasons stated in the Remarks, the present Restriction requirement

should be reformulated to reduce the burden of examination. Accordingly, Applicants respectfully request that the Restriction be withdrawn, in-part, so that SEQ ID NO:10 is included with Groups A and B.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned attorney so that further examination of this application can be expedited.

The Commissioner is hereby authorized to charge any fees due in connection with this paper to Deposit Account No. 07-1392.

Respectfully submitted,

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